

XINHUA FINANCIAL NETWORK,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

NOTICE OF MOTION

04 Civ. 08043 (DC)

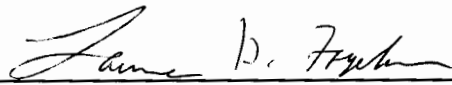
PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Respondent's Motion to Dismiss, dated November 16, 2004, the Declaration of Lawrence H. Fogelman, dated November 16, 2004, the Declaration of Gerald C. Miller, dated November 16, 2004, and upon the pleadings and all prior proceedings herein, respondent United States of America, by its attorney David N. Kelley, United States Attorney for the Southern District of New York, will move this Court before the Honorable Denny Chin, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, at such date and time as the Court may direct, for an order pursuant to Rules 12(b)(1) and 12(b)(5) of the Federal Rules of Civil Procedure, dismissing petitioner's petition to quash for lack of subject

matter jurisdiction, and for failure to serve the Attorney General, and for such other relief as the Court deems just.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order dated October 26, 2004, petitioner's reply papers, if any, must be served upon the United States Attorney's Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, on or before November 23, 2004.

Dated: November 16, 2004
New York, New York

DAVID N. KELLEY
United States Attorney for the
Southern District of New York
Attorney for Respondent

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